

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JOSEPH CHURCH,

Plaintiff,

v.

CITY OF CLEVELAND, *et al.*,

Defendants.

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CASE NO. 1: 10 CV 1399

JUDGE DONALD C. NUGENT

ORDER ADOPTING  
REPORT AND RECOMMENDATION

This case was referred to Magistrate Judge Nancy A. Vecchiarelli for general pretrial supervision. Pursuant to this referral, Magistrate Vecchiarelli issued a report and recommendation recommending that Defendant Mishic's Motion for Summary Judgment be granted. (ECF # 29). Plaintiff timely filed Objections to that Report and Recommendation. (ECF #30). Upon careful review of the Report and Recommendation, the Objections and the relevant briefs, the Court finds that the Magistrate's Order is correct and well-supported. The report and recommendation, therefore, is ADOPTED in full.

The Court has reviewed *de novo* those portions of the Magistrate Judge's Report and Recommendation to which objection has been made. *See* FED. R. CIV. P. 72(b). The Court finds Magistrate Judge Vecchiarelli's Report and Recommendation to be thorough, well-written,

well-supported, and correct. The Court finds that Petitioner's objections raise no arguments (factual or legal) that have not been fully addressed by the Magistrate's Report and Recommendation.

The Magistrate's Report and Recommendation fully and correctly addresses all of the Plaintiff's remaining claims and the Plaintiff's objections are unwarranted. This Court, therefore, adopts the Magistrate's Report in its entirety. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b). IT IS SO ORDERED.

/s/ Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATED: March 10, 2011